In the High Court of Punjab and Haryana at Chandigarh.

RSA No.3500 of 2004
Date of decision:10.07.2007.

Jagtar Singh and another ...Appellants

Versus

Prithipal Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE PERMOD KOHLI.

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Present: Mr.Manjit Singh, Advocate.

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PERMOD KOHLI, J. (ORAL):

This Regular Second Appeal is directed against the concurrent findings of fact recorded by the learned Courts below. The dispute is regarding the width of the street adjoining the houses of the parties. Both the learned Courts below have concurrently held that the width of the street at the relevant place was 12 ft.

It has been contended on behalf of the appellants that there was adjudication in an earlier suit between the defendant-respondent and one

Kundan Singh wherein finding was recorded that the width of the street is 34 ft. This fact has been noticed in the impugned judgment. It has also been stated that though there was an adjudication, yet the parties entered into a compromise and both the parties had agreed that the width of the street shall remain 12 ft. In this view of the matter, I do not find that the appellants can be benefited in any manner. It is also admitted that after the compromise, the respondents have already taken part of the possession of

the alleged street and have also even raised bath room. Apart from the above, both the learned Courts below have held that the width of the street is 12 ft. even on the basis of other material/evidence on record. The substantial questions of law formulated by the appellants in the memorandum of appeal are, in fact, not substantial questions of law as they fall within the realms of appreciation of evidence. It is settled law that first Appellate Court is the final Court of findings of fact.

In view of the above, I find no merit in the present appeal and the same is hereby dismissed with no order as to costs.

(PERMOD KOHLI)
JUDGE

July 10, 2007
BLS